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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,399	07/29/2003	Yannick Morand	116720	3981

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EXAMINER

LE, MARK T

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,399

Applicant(s)

MORAND ET AL.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. In claim 1, line 2, "the chairs". and line 3, "the vertical-axis bull-wheel" lack antecedent basis.

In claim 3, line 2, "the first high-speed output shaft", and line 3, "the second hollow low-speed output shaft" lack antecedent basis.

In claim 4, line 1, "the hub", line 2, "the sheath", and line 3, "the second rotary shaft" lack antecedent basis.

In claim 5, line 1, "the mechanical speed reducer", and line 3 "the electric motor" lack antecedent basis.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electricity generating set, as recited in claim 10, must be shown or the feature must be canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson (US 4,003,314).

Pearson discloses a transport chair lift having all the features recited in the instant claims, including chairs 29 secured to rope 10, 11 inherently by fixed grips, vertical axis bull-wheel 12, bull wheel mounting carriage 20 with rollers 21, tensioning means 25, and geared motor mechanism 17, 18, 19; wherein, the geared motor mechanism comprises coaxial shaft line 17 extending perpendicular to the bull-wheel.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibaudon (US 4,049,999) in view of Asberg (US 4,782,761).

Thibaudon discloses a transport chair lift similar to that recited in the instant claims, including chair 2 secured to hauling and carrying rope 10 inherently by a fixed grip, vertical axis bull-wheel 16, and geared motor mechanism 20,21.

Asberg discloses a bull wheel and tensioning assembly including bull-wheel 2, geared motor mechanism 3, and carriage 10 mounted on rollers 11, 12 for rolling along fixed horizontal sections 8, 8'. The arrangement of Asberg is such that the bull-wheel is driven by geared motor mechanism 3, and carriage 10 operates with tensioning mechanism 9 for providing a proper tension for carrying and hauling rope 1.

In view of Asberg, it would have been obvious to one skilled in the art to substitute a bull wheel and tensioning assembly with a geared motor mechanism, similar to that taught by Asberg, for the bull-wheel and geared motor mechanism of

Thibaudon so as to achieve expected advantages thereof, such as a combined unit that is capable of performing both driving and tensioning functions.

Regarding the instant claimed electronic speed control recited in instant claim 6, consider the speed control connected to motor 20 of Thibaudon.

7. Claims 1 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosman (US 4,100,822) in view of Falque (US 5,134,571).

Rosman discloses a chair lift similar to that recited in the instant claims. It is noted that in the system of Rosman, the chair requires two carrying and hauling ropes supported on two horizontal-axis bull-wheels at each end of the run.

Falque discloses a chair lift system; wherein, the chair requires only one carrying and hauling rope on one vertical axis bull wheel 2 at each end of the run.

In view of Falque, it would have been obvious to one skilled in the art to modify the rope and bull wheel arrangement of Rosman into a one rope and one vertical axis bull wheel arrangement, in a manner similar to that taught by Falque, so as to reduce costs and problems associated with having more ropes and bull wheels.

Regarding the instant claimed emergency motor and toothed wheel, recited in claim 7, consider one of the two motors 67 of Rosman that cooperate with the tooth wheel/ring member of the bull wheel. Said one of the two motors 67 is readable as an emergency motor, i.e. when the other one of the two motors 67 is malfunction, said one of the two motors inherently functions as an emergency motor.

Regarding the instant claimed emergency motor being an electric geared motor, as recited in instant claim 10, note that hydraulic and electric motors are well known

alternatives in the art. Note for example, the electric motor of Falque, and the hydraulic motor of Rosman. Therefore, it would have been obvious to one skilled in the art to use electric motors instead of hydraulic motors in the structure of Rosman because systems operate with electric motors are simpler than those operate with hydraulic motors.

Regarding the instant claimed electricity generating set, recited in instant claim 10, note that the electricity required to operate the electric motors of Rosman, as modified, inherently must come from a generating source, which is readable as an electricity generating set as claimed.

8. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Meindl and Wallace.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner

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